

CITY OF BURIEN, WASHINGTON

RESOLUTION NO. 256

A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON FINDING SPECIAL MARKET CONDITIONS, WAIVING COMPETITIVE BIDDING REQUIREMENTS AND AUTHORIZING THE EXECUTION OF A CONSTRUCTION MANAGEMENT AGREEMENT WITH BTS, LLC.

Whereas the City has been planning the revitalization of its downtown area for more than 10 years to create a high quality comprehensive integrated public retail, commercial and residential core to improve the economic vitality of the City, increase tax revenues and enhance other City investments and assets and community objectives; and

Whereas in April of 2003, the City issued a public Request for Qualifications ("RFQ") to select an experienced developer to redevelop certain properties that have been assembled by the City commonly referred to as the "Town Square Site"; and

Whereas in October of 2003, the City Council approved the Developer Selection Advisory Committee's recommendation of BTS, L.L.C. as the exclusive Town Square Developer; and

Whereas on June 29, 2005, the City and BTS, L.L.C. executed a Disposition and Development Agreement for the development of Parcels I, IV, V and VI of the Town Square Site; and

Whereas the Disposition and Development Agreement acknowledged that coordination between the City and BTS, L.L.C. was a critical element and should result in construction cost savings and combined benefits that could not be achieved if the buildings and public infrastructure were constructed independently and on a stand-alone basis; and

Whereas under the terms of the Disposition and Development Agreement, BTS, L.L.C. is required to purchase and develop Parcel I, which requires that the existing 57,000 square foot structure ("Gottschalk's") located on Parcel I to be demolished, utilities abandoned, and hazardous material abated; and

Whereas the general scope of work for this Project involves the removal of the existing Pet Center building (the "Pet Center") structure located on the Parcel VII, including basements and foundations and the backfill of the resulting cavity, which work includes abatement and removal of the hazardous materials associated with the building, and abandonment of on-site utilities including water, electrical, gas and sewer; and

Whereas given the proximity of Gottschalks and the Pet Center, it is preferred that both structures be abated and demolished as a single project in order to achieve economy of scale, ensure overall coordination and management, minimize impacts to the public and business in the downtown area, and maximize public benefit and safety;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. Findings. The City Council makes the following findings and conclusions:

1. The above stated recitals are incorporated as though fully set forth herein;

2. The City and BTS, LLC have entered into a Disposition and Development Agreement for the purpose of joint and coordinated development of the public and private components of the Town Square Project;
3. Site preparation work will be necessary to complete both the public and private components of this joint development project and there is benefit to both Parties through such work being performed by the same contractor(s) and being managed by one party;
4. A single contractor and contract manager will reduce the costs of, among other things, staging, mobilization of equipment and crews, equipment rental, materials disposal, and contract management costs;
5. The foregoing create special market conditions which allow the City to achieve cost savings not otherwise available in the marketplace through the competitive bidding process; and
6. The competitive bidding requirements for this project are waived pursuant to authority of the City Council under RCW 39.04.280.

Section 2. The Mayor and other appropriate City officials are hereby authorized to execute the Construction Management Agreement with BTS, LLC for the reasons stated herein, with such agreement to be substantially in the form of the agreement on file with the office of the City Clerk.

Section 3. Effective Date. This resolution shall take effect immediately upon passage by the Burien City Council.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 22ND DAY OF JANUARY, 2007.

CITY OF BURIEN

/s/ Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

/s/ Monica Lusk, City Clerk

Approved as to form:

/s/ Christopher Bacha, Interim City Attorney

Filed with the City Clerk: January 18, 2007

Passed by the City Council: January 22, 2007

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